

REMARKS

Reconsideration of the above-identified application is respectfully requested.

Claims 11 and 16 have been rejected as unpatentable over Williams et al. The Examiner notes that the Williams et al. patent "does not teach the particulars of the second telescopic assembly."

(1) If a patent does not teach, how can it render an invention obvious?

(2) The allegation is untrue. Williams et al. teaches the following.

"The plate 28 is rigidly connected to the upper section 50 of the lift mechanism 24 which also includes a slidable mating intermediate section 52 and a slidable mating lower telescoping section 54. An internal screw jack arrangement is powered by a drive mechanism 26 to effect the reciprocal telescoping extension of the lift mechanism 24 from its collapsed or shortened position shown in FIG. 1 to the fully extended position shown in FIG. 2."

(3) If the allegation were true, the Examiner would be calling into question the adequacy of the disclosure of the Williams et al. patent because an "upright powered lift mechanism" is an element of all the claims in the patent. It is respectfully submitted that questioning the validity of an issued patent by an Examiner is not proper.

(4) Presuming, as we must, that the quoted passage does "teach the particulars of the second telescopic assembly," such teaching leads one away from the claimed invention.

Redesigning the lift disclosed in the Williams et al. patent is allegedly obvious because it would "allow the nested slides to move freely without binding" due to "moment force."

(1) There is nothing in the Williams et al. patent to suggest that lift mechanism 24 binds.

(2) The Examiner is merely concocting a reason to justify the rejection, or,

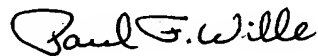
(3) worse, the Examiner may be basing the reason on applicants' disclosure (page 7, lines 16–24). Interpreting the prior art based upon applicants' contribution to the art is clearly improper.

Claims 12, 13, 23, and 24 were rejected as unpatentable over Williams et al. in view of Walkden. Neither patent discloses or suggests a telescoping member not attached to a vehicle that has the recited construction.

Claims 15, 26, and 27 were rejected as unpatentable over Williams et al. in view of Ringdahl et al. The Ringdahl patent does not disclose motion along two orthogonal axes. How can the patent teach a single switch for such?

In view of the foregoing remarks, it is respectfully submitted that claims 11, 12, 13, 15, 16, 23, 24, 26, and 27 are in condition for allowance and a Notice to that effect is respectfully requested.

Respectfully submitted,



Paul F. Wille
Reg. No. 25,274
Attorney for Applicants

6407 East Clinton St.
Scottsdale, AZ 85254
tel. (602) 549-9088